

Response Under 37 CFR §1.111

REMARKS

Applicant has studied the Office Action dated July 30, 2003. It is submitted that the application is in condition for allowance. Claims 1-26 have been amended. No new matter has been added. Claims 1-26 are pending in view of the above amendments. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested. In the Office Action, the Examiner:

- rejected claims 1-9, 12-24 under 35 U.S.C. § 103(a) as being unpatentable over Brown
- rejected claims 10-11, 25-26 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Microsoft Press Computer Dictionary

Rejection under 35 U.S.C. §103(a) over Brown

As noted above, the Examiner rejected claims 1-9, 12-24 under 35 U.S.C. § 103(a) as being unpatentable over Brown. Independent claims 1, 12 and 17, from which claims 2-9, 13-16 and 18-24 depend, respectively, have been amended in order to more particularly point out and distinctly claim the Applicant's invention, rendering the Examiner's rejection moot. More specifically, independent claims 1, 12, 17 have been amended to include a plurality of list items in each sub-tree, the comparison of list items in sub-trees and the identification of two documents as distinct if their list items are not equivalent. In view of the foregoing amendments and the remarks below, the Applicant respectfully traverses the Examiner's rejection.

The Brown reference is directed to a document collection of one or more documents and one or more indexes that each include an inverted file with one or more terms. Each of the terms is associated with one or more document identifiers. The index further includes a document catalog that associates each of the document identifiers with one or more attributes, either intrinsic or non intrinsic. A search engine

AM9-99-074 11 09/513,058

Response Under 37 CFR §1.111

process produces a hit list having one or more hit list entries. Each hit list entry, with one or more hit list attributes, is associated with one of the documents that is determined by the search engine to be relevant to the query. A formatter processor selects one or more of the hit list attributes, identified by a hit list attribute selector and then compares the selected attributes of two or more entries on the hit list to determine whether or not documents associated with these entries are duplicate instances of one another. The determination can be made without examining the content of the document associated with the entries.

The Brown reference, however, does not disclose generating a metadata summary for a first document and a second document, each metadata summary including a sub-tree and each sub-tree including a plurality of list items, comparing the list items of the two summary sub-trees and identifying the two documents as distinct if the list items of the summary sub-trees are not equivalent (as disclosed in amended independent claims 1, 12 and 17). The Brown reference makes no mention of including more than one sub-tree in a metadata summary, each sub-tree including a plurality of list items and each list item including an attribute and an attribute value, such as text content. This feature of the present invention is advantageous as it allows for a hierarchical and extensible arrangement of metadata into a metadata summary. Therefore, amended independent claims 1, 12 and 17 distinguish over the Brown reference. The Brown reference does not teach, anticipate, or suggest all of the recited elements of independent claims 1, 12 and 17.

Further, because independent claims 1, 12 and 17 distinguish over the Brown reference, dependant claims 2-9, 13-16 and 18-24, which depend from independent claims 1, 12 and 17, also distinguish over the Brown reference. Therefore, the Brown reference does not teach, anticipate or suggest all of the recited elements of dependant claims 2-9, 13-16 and 18-24. Therefore, the Examiner's rejection should be withdrawn and it is respectfully submitted that dependant claims 2-9, 13-16 and 18-24 are in a condition for allowance.

AM9-99-074

12

09/513,058

Response Under 37 CFR §1.111

Rejection under 35 U.S.C. §103(a) over Brown and Microsoft Dictionary

As noted above, the Examiner rejected claims 10-11, 25-26 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Microsoft Press Computer Dictionary (hereinafter referred to as the "MPCD" reference). Independent claims 10 and 25, from which claims 11 and 26 depend, respectively, have been amended in order to more particularly point out and distinctly claim the Applicant's invention, rendering the Examiner's rejection moot. More specifically, independent claims 10 and 25 have been amended to include a plurality of list items in each sub-tree, the comparison of list items in sub-trees and the identification of two documents as distinct if their list items are not equivalent. In view of the foregoing amendments and the remarks below, the Applicant respectfully traverses the Examiner's rejection.

Neither the Brown reference nor the MPCD reference nor any combination of the two disclose generating a metadata summary for a first document and a second document, each metadata summary including a sub-tree and each sub-tree including a plurality of list items, comparing the list items of the two summary sub-trees and identifying the two documents as distinct if the list items of the summary sub-trees are not equivalent (as disclosed in amended independent claims 10 and 25). Therefore, amended independent claims 10 and 25 distinguish over the Brown reference and the MPCD reference. Neither reference teaches, anticipates, or suggests all of the recited elements of independent claims 10 and 25.

Further, because independent claims 10 and 25 distinguish over the Brown reference and the MPCD reference, dependant claims 11 and 26, which depend from independent claims 10 and 25, also distinguish over the Brown reference and the MPCD reference. Therefore, neither reference teaches, anticipates, or suggests all of the recited elements of dependant claims 11 and 26. Therefore, the Examiner's rejection should be withdrawn and it is respectfully submitted that dependant claims 11 and 26 are in a condition for allowance.

AM9-99-074

13

09/513,058

Response Under 37 CFR §1.111

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all pending claims in the application are allowable. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted.

Dated: December 30, 2003

By: 

Mark Terry
Reg. No. 47,133
Attorney for Applicant
Fleit, Kain, Gibbons, Gutman,
Bongini & Bianco P.L.
One Boca Commerce Center, Suite 111
551 N.W. 77th Street
Boca Raton, FL 33487
Tel. (561) 989-9811
Fax (561) 989-9812

PLEASE Direct All Correspondence to Customer Number 23334

140-A99-168_Amd v2.doc

AM9-99-074

14

09/513,058